

1 HONORABLE RONALD B. LEIGHTON
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA
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15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 DAVID J. HONSBERGER,
19 Defendant.

Case No. CR06-5530RBL
ORDER

20 THIS MATTER comes on before the above-entitled Court upon Defendant/Appellant's Appeal
21 [Dkt. #2] of Magistrate Judge J. Kelley Arnold's Findings of Guilt and Issuance of a Fine for a Traffic Citation
22 [Dkt. #1].

23 Having considered the entirety of the records and file herein, the Court rules as follows:

24 Defendant/Appellant appeals the Magistrate Judge's finding of guilt and imposition of a fine on a traffic
25 citation for speeding on Fort Lewis, Washington. The record reflects that the issuing officer testified and was
26 cross-examined. The record also reflects that an exhibit was admitted authenticating the calibration of the
radar gun used to clock the defendant. This Court must view the evidence in the light most favorable to the
prosecution, and must affirm if any rational trier of fact could have found the essential elements of the crime
beyond a reasonable doubt. *United States v. Boyd*, 214 F.3d 1052, 1058 (9th Cir. 2000).

27 Here, defendant merely challenges the ability of the officer to have accurately clocked his speed, and
28 argues that he was sick when he was stopped. Because he was sick, he claims that other unnamed officers who

1 did not testify at the trial told him that they would have only issued a warning. The Magistrate Judge heard
2 the evidence and the evidence supports the conviction; therefore the finding of guilt and the imposition of a
3 fine are **AFFIRMED**.

4 **IT IS SO ORDERED.**

5 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
6 pro se.

7 Dated this 27th day of November, 2006.

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9 RONALD B. LEIGHTON
10 UNITED STATES DISTRICT JUDGE

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